

United States District Court  
Eastern District of California

Willie R. Beasley,

Petitioner,

vs.

Claude E. Finn, Warden,

Respondent.

No. Civ. S 05-0851 DFL PAN HC

Order

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Petitioner seeks leave to proceed in forma pauperis in a habeas corpus action. A habeas petitioner must either pay a \$5.00 filing fee or submit an affidavit showing he or she is unable to pay or give security for the fee. 28 U.S.C. § 1915(a).

Petitioner's in forma pauperis affidavit shows he currently is employed. His average monthly balance over the last six months was \$207.91 and his average monthly deposits over the last six months were \$98.92. Petitioner has failed to show he is

1 unable to pay the filing fee. Alexander v. Carson Adult High  
2 School, 9 F.3d 1448 (9th Cir. 1993).

3 Accordingly, within 20 days petitioner must submit the \$5.00  
4 filing fee to the Clerk of the Court. Otherwise the case will be  
5 closed.

6 So ordered.

7 Dated: May 10, 2005.

8 /s/ Peter A. Nowinski

9 PETER A. NOWINSKI

10 Magistrate Judge  
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